

**STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS**

**COMMISSIONER OF
EDUCATION**

.....

Students M. Doe

v.

Bristol-Warren School Department

.....

DECISION

**HELD: The appeal is denied and
dismissed and the decision of the
Bristol school district is affirmed.**

Date: November 19, 2009

Jurisdiction and Travel of the Case

This is an appeal from the decision of the Bristol school district not to grant a parental request to establish a school bus stop at a location that would permit the parents in this case to keep their children under constant visual supervision from their home, as the children walk to their school bus stop. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L. 16-39-2. The hearing was conducted in Bristol and the hearing officer, accompanied by all parties, walked the route now under review.

Position of the Parents

The mother in this case operates a daycare center in her home. It is therefore not possible for her to leave her home in the morning to walk her children to their assigned school bus stop which is about 0.2 miles from home. The father's employment schedule seriously impedes his ability to drive his children to their assigned bus stop. The parents do not object to the distance their children have to walk to their bus stop. They object to the fact that from their home they cannot keep their children under constant visual watch as these children walk to their bus stop.

Position of the School District

This district contends that the walking route in this case is safe and short and that it is under no obligation to create -- in practice -- a rule that bus stops must be established in a way that permits parents to observe, from home, their children, as these children walk to their assigned bus stop.

Findings of Fact

The children in this case are 9 and 6 years old. The route these children use to walk to their bus stop takes a quick turn a few feet away from their home. Because of this fact, the parents in this case cannot keep their children under constant watch from their home as these children walk to their bus stop. The distance the children walk to their bus stop is 0.2 miles. Other than the absence of sidewalks, there are no discernable hazards along the roadway. The roadway is straight and there is no more than the limited traffic that can be expected in any quiet suburban neighborhood. On both sides of the road there is a continuous stretch of pleasant well kept homes, with large windows facing the road.

Conclusions of Law

The standard for being able to walk to a school bus stop is the same standard used in deciding whether a child is able to walk to school.¹ The three factors are:

- ⇒ *The age of the child*
- ⇒ *The distance walked*
- ⇒ *The hazards along the roadway*

Discussion

The parents' objection to the present bus stop is found in the fact that it is not possible for the parents, from their home, to keep their children under constant visual supervision as the children walk the 0.2 walking route to their assigned bus stop.

As is true in almost all cases, it would not be difficult for transportation authorities to establish a bus stop in front of the parents' house. The problem in agreeing to this parental request is, that by doing so, the district would, in essence, be establishing a rule that parents who are unable to keep visual watch on their child as the child walks to his or her bus stop would be entitled to have a bus stop placed in front of their house. We find nothing in the transportation law (R.I.G.L.16- 21-1) that requires that bus stops be so placed absent any showing of the existence of unreasonable risk. Recognizing that preclusive security is not available in this world, we find that the walking route these children take to their bus stop poses no unreasonable risk to their health and safety and that this route therefore meets the requirements of R.I.G.L.16- 21-1. We must therefore deny the appeal.

Conclusion

The appeal is denied and dismissed and the decision of the Bristol school district is affirmed.

APPROVED:

Forrest L. Avila, Hearing Officer

Deborah A. Gist, Commissioner

November 19, 2009
Date

¹ *Bauerle vs. North Kingstown School Committee*, Commissioner of Education, October 1992.